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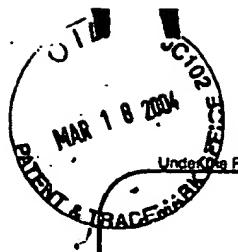
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**Request  
for  
Continued Examination (RCE)  
Transmittal**

**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

<u>Application Number</u>	09/446,839
<u>Filing Date</u>	March 24, 2000
<u>First Named Inventor</u>	E M Winter
<u>Art Unit</u>	3677
<u>Examiner Name</u>	Thomas Y. Ho
<u>Attorney Docket Number</u>	45/276 LI/SH

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- 1. Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_  
ii.  Other Office Action amendment filed January 20, 2004

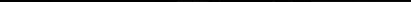
b.  Enclosed  
i.  Amendment/Reply  
ii.  Affidavit(s)/ Declaration(s)  
iii.  Information Disclosure Statement (IDS)  
iv.  Other \_\_\_\_\_

**2. Miscellaneous**  
Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
a.  \_\_\_\_\_  
b.  Other \_\_\_\_\_

**3. Fees**  
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
a.  Deposit Account No. 02-1653  
i.  RCE fee required under 37 CFR 1.17(e)  
ii.  Extension of time fee (37 CFR 1.138 and 1.17)  
iii.  Other additional fees as required, now or in the future  
b.  Check in the amount of \$ 1190.00 enclosed \$770 RCE fee  
c.  Payment by credit card (Form PTO-2038 enclosed) \$420 2 MO TE fee

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Robert W. Becker	Registration No. (Attorney/Agent)	26255
Signature		Date	March 15, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Mary Ann Copas	Date	March 15, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/19/2004 R000000001 00000088 09446839

**770.00 00**

Adjustment date: 03/26/2004 SDIRETAFI  
03/13/2004 AWDURDAFI 00000088 09446839  
01 FC:1001 -770.00 OP

03/26/2004 09:16:11 00000011 09446839

385.00 OP

01 FC:EOV1

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 16, 2004.

  
Mary Ann Copas, Secretary

In the Application of Ernst Michael Winter et al

Ser.No.: 09/446,839  
Filed: March 29, 2000  
For: MULTI-LAYER GEMSTONE  
Art Unit: 3677  
Examiner: Thomas Y. Ho

Commissioner for Patents  
OFFICE OF FINANCE - REFUND SECTION  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR REFUND**

Sir:

A Request for Continued Examination (RCE) application and a petition for a two-month time extension were filed on March 15, 2004 in the above-identified application. Our check number 16137 in the amount of \$1,190.00 was filed with these documents.

The check represents the filing and time extension fees applicable to a large entity. The Applicants qualify for small entity status. Payment of fees at the large entity rate was an inadvertent error.

Therefore, Applicants respectfully request that a refund be issued in the amount of \$595.00, to Deposit Account Number 02-1653, for reimbursement of the excess amounts paid in filing and time extension fees for a large entity.

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A copy of the RCE application and petition for a two-month time extension are enclosed for your reference. Should additional information be required, the undersigned would very much appreciate a telephone call in order to provide that information expeditiously.

Respectfully submitted,



Robert W. Becker, Reg. No. 26,255  
for applicant(s)

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RWB:mac